

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ENVIRONMENTAL PROTECTION
INFORMATION CENTER,

Plaintiff,

v.

STAFFORD LEHR, et al.,

Defendants.

No. C-13-2293 MMC

**ORDER AFFORDING PLAINTIFF LEAVE
TO FILE SURREPLIES; VACATING
SEPTEMBER 20, 2013 HEARING;
DENYING AS MOOT FEDERAL
DEFENDANTS' MOTION TO APPEAR
TELEPHONICALLY**

Before the Court are two motions: (1) "Hoopa Valley Tribe's Motion to Intervene as a Defendant," filed August 7, 2013; and (2) "Motion by the Yurok Tribe to Intervene," filed August 9, 2013. Plaintiff Environmental Protection Information Center has filed opposition to each motion, and each proposed intervenor has filed a reply. The State Defendants have filed a statement of non-opposition to each motion. The Federal Defendants have not filed a response to either motion. Having read and considered the parties' respective written submissions, the Court, as discussed below, finds it appropriate to afford plaintiff leave to file a surreply as to each motion.

The proposed intervenors seek leave to intervene pursuant to Rule 24 of the Federal Rules of Civil Procedure, which rule requires that a motion to intervene brought thereunder "be accompanied by a pleading that sets out the claim or defense for which

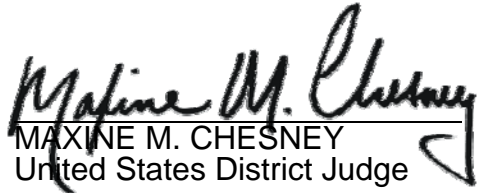
1 intervention is sought.” See Fed. R. Civ. P. 24(c). Here, as plaintiff correctly points out,
2 neither proposed intervenor filed a proposed answer with its motion. Each proposed
3 intervenor did, however, file a proposed answer with its reply. Under such circumstances,
4 the Court will not deny the motions based on the above-noted procedural deficiency.

5 Because plaintiff’s oppositions rely exclusively on said deficiency and because the
6 proposed answers provide clarification as to the asserted grounds for intervention, the
7 Court finds it appropriate to afford plaintiff leave to file surreplies to address the motions on
8 any other ground. Any such surreply shall be filed no later than September 23, 2013, on
9 which date the motions, unless the parties are otherwise advised, will stand submitted.

10 In light of the above, the September 20, 2013 hearing is hereby VACATED, and the
11 Federal Defendants’ request to appear telephonically on said date is hereby DENIED as
12 moot.

13 **IT IS SO ORDERED.**

14
15 Dated: September 10, 2013


MAXINE M. CHESNEY
United States District Judge